call is established, in a step 312. However, if the packet size is **less than** the threshold, then the packet size is increased up to the threshold, in a step 310. As noted above, a common packet size is established. The media streams are then established using the new packet sizes, in step 312.

Thus, the Examiner is respectfully requested to withdraw the objection.

Claim 9 was objected to because of use of the term "said plurality." Claim 9 has been amended in accordance with the suggestion in the Official Action to recite "said plurality of endpoints." As such, Applicants respectfully submit that the basis for the objection is obviated.

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, "said jitter buffer" was indicated to lack antecedent basis. Claim 5 has been amended to recite "a jitter buffer." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

Claims 9-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Guy et al., U.S. Patent No. 5,940,479 ("Guy"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Guy. As discussed in the Specification, conventional systems employing jitter buffers can disadvantageously mismatch the size of the jitter buffer and the length of data packets. As such, the present invention provides for adjusting the size of the packets to better match the buffer. More particularly, claim 9 recites, inter alia, "wherein each of said plurality of endpoints includes a jitter buffer controller configured to adjust a packet size for communication over said packet network;" and claim 14 recites "wherein the controller is configured to cause the packetizer to adjust a packet size if said packet size is related to a jitter buffer size according to predetermined criteria." In contrast, Guy appears instead to merely adjust the size of the jitter buffer,

not the packets. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 1-8 were rejected under 35 U.S.C. 103 as being unpatentable over Guy. Like the claims discussed above, these claims also relate to adjusting a packet size. Thus, Claims 1 and 5 recite "adjusting a length of said one or more information packets based on a size of said jitter buffer." As noted above, and as acknowledged in the Official Action, Guy does not teach adjusting a length of a packet based on a jitter buffer size. Moreover, contrary to the suggestion in the Official Action, Guy merely indicates that data can be formatted into a LAN-compatible format, e.g., Ethernet or token ring. (See Col. 10, line 62.). This, however, relates simply to putting data out onto the network and has nothing whatsoever to do with adjusting a packet size responsive to the jitter buffer. Moreover, Guy notes that the size of the buffer is dependent upon variation in packet delay and contains no hint that packet size is or can be an issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 10-12 were rejected under 35 U.S.C. 103 as being unpatentable over Guy in view of Databeam H.323 Primer ("Databeam"). Guy has been discussed above. Databeam is relied on merely for teaching an H.323 system. However, like Guy, Databeam does not relate to adjusting a packet size to match a jitter buffer. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

SIEMENS CORPORATION

By: *Rosa S. Kim*

Rosa S. Kim
Registration No.: 39,728
Attorney for Applicant(s)
Tel.: 650-694-5330
Fax: 650-968-4517

Date: 3-11-03

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, Legal Department
Telephone: (732) 321-3026

Marked Up Claims

5.   (Amended) A telecommunications method, comprising:

receiving one or more information packets, said receiving including storing said one or more information packets in [said] a jitter buffer; and

adjusting a length of said one or more information packets based on a size of said jitter buffer.

9.   (Amended) A telecommunications system, comprising:

a packet network;

a plurality of endpoints coupled to said packet network, each of said plurality of endpoints including a jitter buffer;

wherein each of said plurality of endpoints includes a jitter buffer controller configured to adjust a packet size for communication over said packet network.

Marked Up Specification

Please replace the paragraph beginning at lines 25 of Page 6 with:

Turning now to [FIG. 3] FIG. 4, a flowchart illustrating operation of an embodiment of the invention is shown. In a step 302, a threshold is set by the jitter buffer control unit 110. The threshold may be, for example, a percentage of the jitter buffer size. The threshold may be set, for example, by a system administrator. Next, in a step 304, one or more H.323 endpoints 102a, 102b seek to establish a call. As such, they undertake standard H.323 call set up and signaling exchanges, for example, via the gatekeeper 108. In a step 306, the H.323 endpoints 102a, 102b and, particularly, the jitter buffer controllers 110a, 110b check their jitter buffer sizes and compare the packet sizes with the threshold, in a step 308.

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